

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America
v.

Daniel Maurice McDuffie

Date of Original Judgment: January 3, 2001

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

)
)
) Case No: 5:00-CR-15-2H
) USM No: 19089-056
) Pro Se
) Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of _____ months **is reduced to** _____

The amendment is applicable to the defendant, but does not have the effect of lowering the guideline range because the guideline range exceeds the maximum sentence allowed by statute, 240 months. Therefore, the guideline range of 240 months originally established by the court remains the guideline range, resulting in a comparable sentence of 180 months, which was previously imposed pursuant to a § 5K1.1 motion.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated January 3, 2001 shall remain in effect. **IT IS SO ORDERED.**

Order Date: September 19, 2013



Judge's signature

Effective Date: _____
(if different from order date)

Malcolm J. Howard, Senior U.S. District Judge
Printed name and title